

PATENT COOPERATION TREATY

Translation

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 2002P13635WO | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/DE2003/002882 | International filing date (day/month/year) 28 August 2003 (28.08.2003) | Priority date (day/month/year) 30 September 2002 (30.09.2002) |
| International Patent Classification (IPC) or national classification and IPC H01H 9/34 | | |
| Applicant SIEMENS AKTIENGESELLSCHAFT | | |

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s))
_____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

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|--|--|
| Date of submission of the demand 05 April 2004 (05.04.2004) | Date of completion of this report 10 November 2004 (10.11.2004) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2003/002882

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 3-9 _____, as originally filed/furnished
- pages* _____ 1, 2, 2a _____ received by this Authority on _____ 05 April 2004 (05.04.2004)
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 1-11 _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1/2-2/2 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 2-11 | YES |
| | Claims | 1 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-11 | NO |
| Industrial applicability (IA) | Claims | 1-11 | YES |
| | Claims | | NO |

2. Citations and explanations

Reference is made to the following documents:

D1: US-B1-6248971

D2: EP-A-0437151

D3: DE-U-29807119

D4: DE-A-1954066

D5: DE-A-3541514

- 1). The present application does not meet the requirements of PCT Article 33(2) because the subject matter of claim 1 lacks novelty.

Document D1 discloses (see figures 1 to 3; the references between parentheses refer to D1) an arrangement comprising a low-voltage circuit breaker (the six-pole circuit breaker 10) and a switching gas damper provided with a support element (56) (see figure 3: each pole is provided with a unit that contains an extinction chamber 26 and a switching gas damper 58) for the low-voltage circuit breaker, - in which the switching gas damper is disposed above an arc extinguishing chamber (26) of the low-voltage circuit breaker and has at least one inlet for switching gases and at least one

- outlet for damped or deionised switching gases (see figure 3) and
- in which the support element (56) can be secured immediately adjacent to the arc extinguishing chamber (26) to a housing (14) accommodating the low-voltage circuit breaker (the above-mentioned unit comprising the support element 56 is secured to the housing 14 accommodating the circuit breaker 10 by means of the side walls 56) and forms at least one chamber for accommodating a flow element (58) that generates a flow resistance for the switching gases,
 - the support element (56) forming the at least one inlet, and
 - it being possible to close the accommodating chamber using a closing element securing the flow element (58) (see figure 3; the cover which is secured to the support element 56 by screws), and
 - the closing element forming the at least one outlet (see figure 3).

The wording of claim 1 does not explicitly indicate that "the housing accommodating the low-voltage circuit breaker" may be simply a switchgear cell of a switchgear cubicle or simply a rack disposed in a switchgear cell, in which rack the low-voltage circuit breaker can be secured. "The housing accommodating the low voltage circuit breaker" can also be regarded as the common housing in which all the components of a multi-pole circuit breaker are disposed.

Consequently, in view of the indications in D1, the subject matter of claim 1 lacks novelty (PCT Article

33(2)).

- 2). . . In view of D1 to D5, dependent claims 2 to 11 do not appear to contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for inventive step, since the features of those claims concern simply obvious possibilities from which a person skilled in the art would choose according to the circumstances in order to solve the problem of interest, without thereby being inventive.